

COMPLAINTS PROCEDURE

INTRODUCTION

Bodmin College is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints so that any issues that arise can be dealt with as swiftly and effectively as possible.

A concern or complaint can be made by anyone, not just parents of attending pupils.

All College staff will be made aware of complaints procedures and expected to review this policy regularly so that they are familiar with the process and can be of the most assistance when an issue is brought to their attention.

This policy does not apply to complaints about:

- Pupil admissions
- Pupil exclusions
- Statutory assessments of Special Education Need (SEN)
- Matters likely to require a Child Protections Investigation
- Staff grievance and disciplinary procedures
- Whistleblowing

Each of above follows its own process of complaints and appeals which are outlines in their relevant policies.

This policy is to be used and informed by the DfE Best practice guidance for school complaints procedures (2019) and policies and procedures relating to unreasonable complainant behaviour.

All time limits refer to 'working days'.

Cut-off Limits

It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date).

Bodmin College considers three months to be an acceptable time frame in which to lodge a complaint. Additional time can be provided in exceptional circumstances.

Duplicate Complaints

Duplicate complaints are those received from a spouse, partner, grandparent or child. If the College determines that the matter is a duplicate complaint then we will inform you that the matter has already been dealt with and the local process is complete. In these circumstances you are advised to contact the DfE if you are dissatisfied with the management of the original complaint.

Complaint campaigns

If we consider that we have become the focus of a campaign through receipt of large volumes of complaints all based on the same subject or from complainants unconnected with the school we will either send a template response through our Parent Bulletin. This will be published on our website.

INFORMAL PROCESS

Most concerns can be resolved by talking to the member of staff concerned. If the concern is not resolved by speaking to a member of staff, you should then request that an appropriate line manager help resolve the issue. Should you be uncertain as to who constitutes an 'appropriate line manager', then please contact reception for assistance.

If your first contact is with individual Trustees, you will be asked to take up your concerns with the Principal or the appropriate member of staff (as above). A Trustee should not be made aware of a potential complaint as they may be required to sit on a panel in the event of a formal hearing.

If you choose to raise your concerns with the Local Authority, Council Officers will ask you for your written consent to share information regarding your complaint with the College. If you decline to provide your consent, the matter will not be taken any further. If you do provide consent, the Council will pass your concerns for action by either College staff or Trustees.

Informal meeting/s

We hope that most complaints can be settled quickly and informally, either by putting matters right or by providing you with an explanation.

If you are invited to attend an informal meeting with a member of staff to discuss your concerns you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Principal.

FORMAL COMPLAINTS

- **If your formal complaint is about a member of staff**, you should first raise this with the Principal either in person or in writing, and appropriate arrangements can be made.
- **If your formal complaint is about the Principal**, you should raise your concern in writing with the Chair of Trustees.
- **If your formal complaint is about a Trustee**, you should raise your concern in writing with the Clerk to the Board of Trustee.
- The Chair of Trustees will refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the Board of Trustee's involvement at this stage.

- If your complaint relates to the entire Board of Trustees, you should raise your concern in writing with the Clerk to the Board of Trustees who will determine the most appropriate course of action.

Any correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing. This is in addition to a written record being kept of any action taken by Bodmin College as a result of the complaint, regardless as to whether or not they were upheld.

In order to ensure that complaints are processed efficiently and effectively, we deal with formal complaints in three stages.

Stage 1

Write to the appropriate person to outline the nature of your complaint and dissatisfaction with the outcomes of the informal processes. If no such processes have taken place then the matter will be referred back to the informal stage. In the letter you should:

- Make it clear why you are complaining;
- Say who you have spoken to already;
- Explain what you want to happen as a result of your complaint.

The Principal will appoint an Investigating Officer (IO) who will investigate your complaint and inform you of the outcome within 10 working days.

The Principal will, through the IO, ensure that you understand any future points of action that have been agreed, as well as any outcomes and if appropriate a plan of action.

If your child has a Statement of Special Education Needs (SEN) you might find it helpful to talk to the Special Educational Needs and Disabilities Co-ordinator (SENDCo).

Stage 2

If, having progressed through Stage 1 of the formal processes, you remain dissatisfied with the outcome, you may lodge your complaint with the Chair of Trustees. In the letter you should:

- Make it clear why you are complaining;
- Say who you have spoken to already;
- Explain what you want to happen as a result of your complaint.

The Chair of Trustees will arrange for your complaint to be considered and investigated under the arrangements approved by the Board of Trustees. This is likely to involve a Panel of Trustees.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative, parent or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

You should make sure that the Trustees Panel is provided with any written information or evidence to support of your complaint.

When the panel has fully investigated your complaint, the Chair of Trustees will respond to you in writing within 28 days outlining their response to your concern. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bodmin College will take to resolve the complaint. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

Stage 3

If you would like to appeal the outcome of a formal complaint, you can write to the Clerk to the Board of Trustees to exercise your right of appeal within 10 working days. The Clerk will acknowledge your appeal and make the necessary arrangements, and will usually convene the Appeal Panel within 10 working days from the acknowledgement being sent. Where it is not possible to find a mutually convenient date within that timescale, a further timescale will be agreed with you.

The Clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative, parent or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

The Appeals Panel

The Appeals Panel will consist of members of the Board of Trustees. No member of the Board of Trustees can sit on the Appeals Panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The panel will consist of 3-5 Trustees and a Chair who will be nominated from within that group. All panel members will be familiar with and have access to the complaints policy.

If you are making a complaint and you are a parent of a pupil, the Appeals Panel will comprise of 3-5 Trustees not directly involved in the matters detailed in the complaint and an additional panel member who will be independent of the management and running of the College.

Appeals procedure

The procedure for an appeal is usually as follows:

The chair will introduce the panel members and outline the process.

The complainant will explain the complaint.

The Principal and panel will question the complainant.

The Principal will explain the College's actions.

The complainant and panel will question the Principal.

The complainant will sum up their complaint.

The Principal will sum up the College's actions.

The chair will explain that both parties will hear from the panel in writing within 14 days.

The clerk will stay to assist the panel with its decision making.

The Chair of the Panel/Clerk to Trustees will notify the complainant of the panel's decision in writing within 10 working days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the Board of Trustees and will set out any further rights of appeal.

The Appeals Panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the College's systems or procedures as a preventative step against similar problems arising in the future

Most complaints are resolved by this process. Should your complaint not be resolved, you can complain to the Secretary of State at the Department for Education:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 0002288

EDUCATION AND SKILLS FUNDING AGENCY

The ESFA handles complaints about Academies and Free Colleges.

The ESFA will look at complaints that fall into the following areas:

Undue delay or non-compliance with an Academy's own complaints procedure;

An Academy's failure to comply with a duty imposed on it under its funding arrangement with the Secretary of State;

An Academy's failure to comply with any other obligation, unless there is another organisation better placed to consider the matter as set out in the next section;

Complaints that relate to the entire Board of Trustees

The ESFA will not overturn our decision about your complaint. However, if they find that we did not deal with your complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

You can contact the ESFA for more information via the Colleges complaints form which is accessible online at: <https://www.gov.uk/government/organisations/education-funding-agency>

VEXATIOUS COMPLAINTS

Where you contact us to re-open an issue which has already been dealt with under the complaints policy, the Chair of Trustees will contact you to inform you that the matter has already been dealt with and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the College will be under no obligation to respond to that correspondence.

BOARD OF TRUSTEES – REVIEW AND MONITORING OF COMPLAINTS

The College will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

All policies at Bodmin College are reviewed annually by the Trustees Policy Group sub-committee.